

**REMARKS**

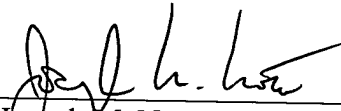
Entry of the foregoing in advance of the initial Office Action is respectfully requested.

By the present preliminary amendment, claims 1-27 have been amended and new claims 28-31 have been added to conform the foreign language originating text to U.S. practice. Pursuant to 37 CFR § 1.121, attached as Appendix A is a Version of the Claims With Markings to Show Changes Made.

Early allowance of the pending claims is hereby earnestly solicited.

Respectfully submitted,

Date: February 20, 2002

  
\_\_\_\_\_  
Joseph M. Noto  
Registration No. 32,163

NIXON PEABODY LLP  
Clinton Square, P.O. Box 31051  
Rochester, New York 14603  
Telephone: (585) 263-1601  
Facsimile: (585) 263-1600

## Appendix A

### Version of the Claims With Markings to Show Changes Made

In reference to the amendments made herein to claims 1-27, additions appear as underlined text, while deletions appear as bracketed text, as indicated below:

#### In The Claims:

1. (Amended) Particulate composite material, [characterized in that it has] comprising an average particle size of 20 to 50  $\mu\text{m}$  and [contains] containing at most 10 wt.-% particles with a size of  $< 10 \mu\text{m}$ .
2. (Amended) Particulate composite material according to claim 1, [characterized in that it has] further comprising a maximum particle size of 70  $\mu\text{m}$ .
3. (Amended) Particulate composite material according to claim 1 [or 2], prepared by curing of a mixture of
  - (a) 10 to 80 wt.-%[, preferably 10 to 30 wt.-%] organic binder;
  - (b) 0.01 to 5 wt.-%[, preferably 0.5 to 2 wt.-%] polymerization initiator; and
  - (c) 20 to 90 wt.-%[, preferably 60 to 88 wt.-%] inorganic filler,each relative to the total mass of the uncured mixture.
4. (Amended) Particulate composite material according to claim 3, [characterized in that it contains as] wherein the inorganic filler comprises quartz, glass ceramic, glass powder or a mixture [of these] thereof.
5. (Amended) Particulate composite material according to claim 4, [characterized in that it contains] wherein said glass powder[, preferably] comprises barium glass powder [and/or] or strontium glass powder.
6. (Amended) Particulate composite material according to [one of] claim[s] 4 [to 5], wherein said [characterized in that the] quartz, glass ceramic and/or glass powder has an average particle size of 0.4 to 1.5  $\mu\text{m}$ [, preferably 0.7 to 1.0  $\mu\text{m}$ ].

7. (Amended) Particulate composite material according to [one of] claim[s] 3 [to 6], wherein said composite [characterized in that it] contains 10 to 50 wt.-%[, preferably 20 to 30 wt.-%] X-ray-opaque filler.

8. (Amended) Particulate composite material according to claim 7, further comprising [characterized in that it contains] ytterbium fluoride.

9. (Amended) Particulate composite material according to [one of] claim[s] 3 [to 8], further comprising [characterized in that it contains] precipitated mixed oxides.

10. (Amended) Composition, containing at least one polymerizable monomer and/or prepolymer, at least one polymerization initiator and at least one particulate composite material comprising an average particle size of 20 to 50  $\mu\text{m}$  and containing at most 10 wt.-% particles with a size of  $< 10 \mu\text{m}$  [according to one of the previous claims].

11. (Amended) Composition according to claim 10, comprising [characterized in that it contains]

- (i) 10 to 80 wt.-% organic binder;
- (ii) 0.01 to 5 wt.-% polymerization initiator;
- (iii) 20 to 90 wt.-% particulate composite filler, [according to one of claims 1 to 9],

each relative to the total mass of the composition.

12. (Amended) Composition according to claim 10, further comprising an [or 11, characterized in that it contains] inorganic filler [as a further component].

13. (Amended) Composition according to claim 12, wherein said [characterized in that it contains as] inorganic filler comprises quartz, glass ceramic, glass powder, or a mixture thereof [of these].

14. (Amended) Composition according to claim 13, wherein said [characterized in that it contains] glass powder[, comprises [preferably] barium glass powder and/or strontium glass powder.

15. (Amended) Composition according to claim 13, wherein said [or 14, characterized in that the] quartz, glass ceramic and/or glass powder has an average particle size of 0.4 to 2  $\mu\text{m}$ .

16. (Amended) Composition according to [one of] claim[s] 12, comprising [to 15, characterized in that it contains] 25 to 70 wt.-%[, preferably 30 to 50 wt.-%] quartz, glass ceramic and/or glass powder.

17. (Amended) Composition according to [one of] claim[s] 12, further comprising an [to 16, characterized in that it contains] X-ray-opaque filler [as a further component].

18. (Amended) Composition according to claim 17, comprising [characterized in that it contains] ytterbium fluoride.

19. (Amended) Composition according to [one of] claim[s] 17, comprising [to 18, characterized in that it contains] 1 to 10 wt.-% X-ray-opaque filler.

20. (Amended) Composition according to [one of] claim[s] 12, further comprising [to 19, characterized in that it contains] a layered silicate [as a further component].

21. (Amended) Composition according to claim 20, comprising [characterized in that it contains] 0.05 to 5 wt.-% layered silicate.

22. (Amended) Composition according to [one of] claim[s] 10, further comprising [to 21, characterized in that it additionally contains] precipitated mixed oxide.

23. (Amended) Composition according to claim 22, comprising [characterized in that it contains]  $\text{SiO}_2/\text{ZrO}_2$  mixed oxide.

24. (Amended) Composition according to [one of] claim[s] 22, wherein said [to 23, characterized in that the] mixed oxide has a particle size of 200 to 300 nm.

25. (Amended) Composition according to [one of] claim[s] 22, comprising [to 24, characterized in that it contains] 20 to 70 wt.-% mixed oxide.

26. (Amended) Composition according to [one of] claim[s] 10, further comprising [to 25, characterized in that it additionally contains] 0.01 to 2 wt.-% additives.

27. (Amended) The [Use of a] composition according to claim[s] 10, [to 26 as dental material, in particular as] comprising a tooth-filling material, material for inlays or onlays, tooth cement, facing material for crowns and bridges, or material for false teeth.